

Application No.: 10/542,939
Atty. Docket No.: P70697US0

REMARKS

This Amendment is being filed concurrently with an RCE and an Information Disclosure Statement.

The Office Action mailed September 11, 2007, has been carefully reviewed and, by this Amendment, claims 4 and 11 have been amended and new claims 18-23 have been added. Claims 4-23 are pending in the application. Claims 4, 11 and 21 are independent.

The Examiner rejected claims 4, 6, 7, 11, 13 and 14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,110,156 to Mendonca. In addition, the Examiner rejected claims 5, 8-10, 12 and 14-17 under 35 U.S.C. 103(a), as being unpatentable over Mendonca.

As set forth in amended claims 4 and 11, the present invention is directed to an ostomy support garment made of a material that provides support to a stoma and the skin surrounding the stoma. The material has a through-passing hole *that goes entirely through the garment from the outside to the inside thereof*. When the garment is being worn, this hole is positioned over the stoma and has a perimeter sized to leave the stoma and the area surrounding the stoma exposed through the hole, i.e., another person looking at the ostomate would see the stoma through the hole in the garment. This is not shown or suggested by the prior art.

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In addition, claims 4 and 11 provide that the hole perimeter has a stabilized edge with an element that is configured to allow the perimeter of the hole to be increased or decreased so as to enlarge or reduce, respectively, the exposed area surrounding the stoma. Adjoining the hole and splitting the edge thereof is at least one slit that cuts *through* the material of the garment. This also is not shown or suggested by Mendonca.

Mendonca discloses a garment in the form of a pair of underpants having a pocket that can be used for holding an ostomy bag. The pocket can be buttoned closed to retain the ostomy bag in the pocket, with the button positioned either on the material of the pocket or on the material of the underlying garment while, in either case, the button hole is then positioned on the opposing piece of material. According to Mendonca, the ostomate places the ostomy bag into the pocket while the tube connecting the bag to the stoma extends out through the pocket opening and then either above or under the waistline of the underpants to reach the particular location of the stoma.

To Applicant's understanding, the Examiner has relied upon the inside of the pocket as being the "hole", with element 40 being the stabilized edge of the hole. The buttons 50 allow the size of the hole to be adjusted in that, when fastened, the pocket

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is smaller than when the button is unfastened and the pocket can fall open to define a larger area by virtue of the pleat 60. Lastly, the Examiner has characterized the opening of the pocket as well as the pleat as being a "slit".

As is clear from amended claims 4 and 11, the pocket of Mendonca does not correspond with the hole of the claimed invention. To the contrary, the hole of the present invention passes *all the way through* the material of the garment from the inside to the outside. The hole is made in the garment so as to be positioned over the stoma when the garment is being worn. The perimeter of the hole is sized such that, when the garment is being worn and the hole is positioned over the stoma, the stoma and an area immediately surrounding the stoma *remains exposed*. This is clearly not contemplated by or even possible with Mendonca. To the contrary, the garment of Mendonca follows that of conventional underwear, i.e., "preferably underwear without any modifications made to it except the forming of the pocket", and is clearly designed to *fully cover* the stoma as well as the ostomy bag when the garment is being worn (see column 3, lines 43-45; see also column 4, lines 7-19).

Finally, the hole of the present invention has a stabilized edge that is *split* by a slit that *cuts through* the

material of the garment. The opening to the pocket does not cut *through the material of the garment*. Similarly, the pleat is not a slit, but rather a fold of material overlapped upon itself (see Figure 8). And as with the pocket opening, the pleat does not cut through the material of the garment.

For at least the foregoing reasons, amended claims 4 and 11 are not anticipated by nor obvious in view of Mendonca. Favorable reconsideration and allowance thereof is requested.

New claim 21 is also patentable over Mendonca for many of the same reasons already discussed. Specifically, claim 21 provides an ostomy support garment having a hole therethrough that goes from the inside to the outside of the garment and that is positioned over the stoma so as to leave the stoma and an area surrounding the stoma exposed through the hole when the garment is being worn. The stabilized edge of the hole perimeter has at least one slit cut through the edge and an adjoining portion of the material. The slit goes all the way through the garment material, from the inside of the garment to the outside thereof, so that two free edges are formed on either side of the slit. When the slit is opened, the hole is enlarged and a greater portion of the area surrounding the stoma becomes visible from outside the garment. Again, this structure by which the stoma is exposed through a hole

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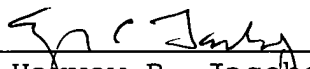
and slit that create an enlargeable opening all the way through the garment from the inside to the outside thereof is not shown or suggested by Mendonca.

Claims 5-10, 12-20, 22 and 23 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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